



ATTACHMENT B

REMARKS

By the present amendment, minor changes have been made to Claims 3 and 12 which make it absolutely clear that those claims depend directly or indirectly upon Claim 1. For the reasons as set forth in detail below, Applicants respectfully traverse the Restriction Requirement and request examination of all of the pending claims in their present form at one time.

As an initial matter, Applicants point out that Claim 1 refers to the process of preparation of the compound of formula (I) from compounds of formula (IV) and (V). Moreover, as indicated above, Claims 3 and 12 have been amended to make it entirely clear that these claims depend directly or indirectly upon Claim 1.

It is therefore apparent that those claims actually specify a preferred embodiment of claim 1, according to which the process of the preparation of compound (I) also includes the preliminary step of preparing the compound of formula (IV). Claims 3 and 12 thus further limit the scope of Claim 1 by specifying that the compounds (V) referred to in Claim 1 are obtained by reacting compounds of formula (VI) and (VII).

In the Restriction Requirement, the Examiner alleges that the process for preparing the compound of formula (I) is independent from the process used to prepare any of the reactants used in the preparation of that compound. Applicants respectfully traverse this position, in particular since this does not reflect the proper standard for the consideration of a restriction in this case.

Further, the Examiner alleges that given references anticipating or suggesting the process claims of Group II would not anticipate nor suggest the process described

in Group I. Applicants respectfully disagree with this position as well. Clearly, references anticipating the claims of Group II would also anticipate the claims of Group I since claims 3-9 and 12 are dependent upon and limit the scope of Claim 1. Even further, Applicants submit that the intermediates of formulae (I), (V), (VI) and VIII) are closely structurally related, and this provides further evidence that the present claims should not be subject to a Restriction Requirement in this case.

Applicants thus submit that the Restriction Requirement is improper in this case and should be withdrawn. Examination and allowance of the claims is thus respectfully requested.

Solely for the purposes of completing this response, and without prejudice to the foregoing arguments, Applicants provisionally elect Group I, Claims 1, 2, 10, 11, 13 and 14-16.

END REMARKS